

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

GARY LEE BENNETT,

Plaintiff,

-vs-

Case No. 15-CV-1097

**MICHAEL MEISNER, TERRY SAWALL,
MICHELLE SMITH, MICHAEL REIGH,
ASHLEY FREITAG, and DAISY CHASE,**

Defendants.

DECISION AND ORDER

The plaintiff has filed a Motion to Amend Filing Fee Funding Source. Dkt. No. 21. He requests that the Court order the remainder of the filing fee to be paid from his release account in \$15.00 monthly payments. The Prison Litigation Reform Act (PLRA), 28 U.S.C. § 1915(b), provides in relevant part:

(2) After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. The agency having custody of the prisoner shall forward payments from the prisoner's account to the clerk of court each time the amount in the account exceeds \$10 until the filing fees are paid.

The question of how a prisoner's filing fee is to be collected is determined entirely by the PLRA once the prisoner files a complaint or notice of appeal. *Newlin v. Helman*, 123 F.3d 429, 436 (7th Cir. 1997), rev'd on other grounds by, *Walker v. O'Brien*, 216 F.3d 626 (7th Cir. 2000) and *Lee v. Clinton*, 209 F.3d 1025 (7th Cir. 2000). Thus, the Court cannot order that the prison

submit \$15.00 monthly payments from his release account.

On February 22, 2016, the plaintiff filed a Motion to Forestall any Preliminary Extensions. Dkt. No. 22. By this motion, the plaintiff requests that the Court deny any motion for extension of time that the defendants may file, at least until they answer the complaint, because his claim is simple and straightforward. In effect, the plaintiff is requesting that the Court order that it will not grant the defendants any time extensions in this case. However, the defendants have not filed any motions for extension of time, and the Court will not rule on such motions before they have been filed.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT the plaintiff's motion to amend filing fee funding source (ECF No. 21) is **DENIED**.

IT IS FURTHER ORDERED that the plaintiff's motion to forestall any preliminary extensions (ECF No. 22) is **DENIED AS MOOT**.

Dated at Milwaukee, Wisconsin, this 16th day of March, 2016.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge